

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

---

<b>UNITED STATES OF AMERICA,  Plaintiff,  vs.  LAYMOND PERRY BRIEN,  Defendant.</b>	<b>CR 21-58-BLG-SPW  PRELIMINARY ORDER OF FORFEITURE</b>
---	--

---

WHEREAS, in the above case, the United States sought forfeiture of the firearm which was the basis for Count II and may have been a violation of 18 U.S.C. 922(k), pursuant to 18 U.S.C. § 924(d);

AND WHEREAS, on December 7, 2021, the defendant signed a plea agreement where he agreed to plead guilty to Count I and the United States agreed to dismiss Count II at the time of sentencing. As part of the plea agreement, defendant agreed to forfeit the gun found under his seat during the car's search, which formed the basis for Count II.

AND WHEREAS, on December 14, 2021, the defendant entered a plea of guilty to Count I of the indictment, which charged him with possession with intent

to distribute methamphetamine, in violation of 21 U.S.C § 841(a)(1) and 18 U.S.C. § 2;

AND WHEREAS, the indictment contained a forfeiture allegation and in the plea agreement the defendant agreed to forfeit the following property; the defendant shall forfeit the following property:

- Smith and Wesson 9 mm handgun with serial number removed.

AND WHEREAS, by virtue of said guilty plea and agreement to forfeit the firearm, the United States is now entitled to possession of the property, pursuant to 18 U.S.C. § 924(d), and Rule 32.2(b)(2), Federal Rules of Criminal Procedure.

ACCORDINGLY, IT IS ORDERED:

1. THAT based upon the guilty plea and agreement to forfeit the firearm, the United States is authorized and ordered to seize the property described above. This property is forfeited to the United States for disposition in accordance with the law, subject to the provisions of 18 U.S.C. § 924(d).

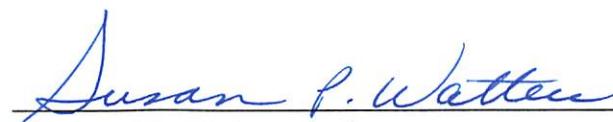
2. THAT the aforementioned forfeited property is to be held by the United States in its secure custody and control.

3. THAT, pursuant to 21 U.S.C. § 853(n)(1), the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will post on an official government internet site

(www.forfeiture.gov) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct.

4. THAT upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture.

DATED this 11<sup>th</sup> day of January, 2022.

  
\_\_\_\_\_  
SUSAN P. WATTERS  
United States District Court Judge